

1 *E-filed on 6/13/07*

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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12 IN RE CYGNUS TELECOMMUNICATIONS
13 TECHNOLOGY, LLC, PATENT
14 LITIGATION

No. MDL-1423
This Judgment Applies to:

C-03-03596 RMW

AMENDED JUDGMENT

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CYGNUS TELECOMMUNICATIONS
TECHNOLOGY, LLC,

Plaintiff,

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v.

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UNITED WORLD TELECOM, L.C.,

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Defendant.

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On March 30, 2007, pursuant to its Claim Construction Order and Orders on Various Summary Judgment Motions dated March 29, 2007, the court purported to enter final judgment declaring that the patents-in-suit, U.S. Patent No. 5,883,964 and U.S. Patent No. 6,035,027, are invalid under the on-sale bar of 35 U.S.C. § 102(b) and that defendant United World Telecom does not infringe either patent.

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The court's judgment did not address the remaining declaratory judgment counterclaims brought by defendant United World Telecom against plaintiff seeking declarations that the patents are invalid under 35 U.S.C. §§ 102, 103 and 112 and that the patents are not enforceable due to

1 inequitable conduct and fraud before the patent office. The court inadvertently failed to include a
2 direction for final entry of judgment pursuant to Fed. R. Civ. P. § 54(b) on the claims resolved.
3 Therefore, the court hereby directs that final judgment be entered: (1) declaring the '964 and '027
4 patents invalid based upon the on-sale bar; and (2) adjudging that plaintiff take nothing on its claim
5 of patent infringement. The court expressly determines that there is no just reason for delay in the
6 entry of final judgment because the remaining counterclaims have been rendered moot and will only
7 become ripe for decision if this judgment is reversed.

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9 DATED: 6/13/07

RONALD M. WHYTE
United States District Judge

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1 **A copy of this judgment was mailed on 6/13/07 to:**

2 **Counsel for Plaintiff:**

3 John P. Sutton
2421 Pierce Street
4 San Francisco, CA 94115-1131

5 **Counsel for Defendants:**

6 Alan M. Weisberg, Steven M. Greenberg
Christopher & Weisberg, P.A.
7 200 E. Las Olas Avenue, Suite 2040
Fort Lauderdale, FL 33301

8 John C. Carey
9 Rodriguez Greenberg & Paul
1395 Brickell Ave, Suite 700
10 Miami, FL 33131

11 **Courtesy Copy:**

12 Clerk of the Panel on Multidistrict Litigation
Thurgood Marshall Federal Judiciary Building
13 One Columbus Circle, N.E.
Room G-255, North Lobby
14 Washington, DC 20002-8004

15 Counsel is responsible for distributing copies of this order to co-counsel, as necessary.

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